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Amendment
Attorney Docket No. B94.2R-11495-US01

Remarks

This Amendment is in response to the Office Action dated **March 17, 2005**. Claims 1-21 are pending in this application. The Office Action rejected claim 21 citing 35 USC § 102 over Buss (US 5,814,757); rejected claims 1-4, 8 and 10 citing 35 USC § 103 over Johnson (US 4,930,396) in view of Buss; rejected claims 7, 9, 11-14 and 16 citing 35 USC § 103 over Johnson in view of Buss and further in view of McClain III (US 5,036,747; hereinafter "McClain"); rejected claims 5 and 6 citing 35 USC § 103 over Johnson in view of Buss and further in view of Chahin (US 4,869,151); rejected claims 17 and 19 citing 35 USC § 103 over Chahin in view of Buss; rejected claim 20 citing 35 USC § 103 over Chahin in view of Buss and further in view of McClain; and indicated allowable subject matter in claim 15.

By this Amendment, claims 1, 4-7, 11, 15-19 and 21 are amended and claim 22 is added. Applicant reserves the right to prosecute any and all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Applicant further asserts that amendment of the claims does not constitute an acquiescence to the validity of any rejection over the applied references. Claim 15 has been rewritten in independent form. Please note that claims 7 and 16 have been amended to depend from independent claim 17. No new matter has been added. Support for new claim 22 may be found at least in Figure 5. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the Office Action's indication of allowable subject matter in claim 15, which has been rewritten in independent form. However, for the reasons set forth below, Applicant respectfully asserts that all of the claims are directed to allowable subject matter and that the application is in condition for allowance.

Claim Rejections – Claims 1-16

The Office Action rejected claims 1-4, 8 and 10 citing 35 USC § 103 over Johnson in view of Buss; rejected claims 7, 9, 11-14 and 16 citing 35 USC § 103 over Johnson in view of Buss and further in view of McClain III; and rejected claims 5 and 6 citing 35 USC § 103

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over Johnson in view of Buss and further in view of Chahin (US 4,869,151).

Independent claim 1 has been amended and requires each vent slot to have a "planar axis." Support for the amendment may be found at least in Figures 1 and 2 and in the specification, for example where "vertical vent slots" are disclosed (see page 3, line 29; page 4, lines 13-20; page 10, lines 16-17, etc.).

The muzzle brakes of the applied Johnson, Buss, McClain and Chahin references all utilize cylindrical bore vent openings. The applied references, either separately or in combination, fail to disclose a vent opening which may comprise a "slot" having a "planar axis."

Therefore, Applicant respectfully submits that independent claim 1 is not obvious in view of the applied references. Claims 2-6 and 8-14 depend from independent claim 1, and are nonobvious for at least the reasons discussed with respect to claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 USC § 103.

Claim Rejections – Claims 17-20

The Office Action rejected claims 17 and 19 citing 35 USC § 103 over Chahin in view of Buss, and rejected claim 20 citing 35 USC § 103 over Chahin in view of Buss and further in view of McClain.

Claim 17 has been amended and requires each vent slot to be raked in a rearward direction ("toward said first end") and to have a "planar axis." Support for the planar axis limitations is described in the previous section discussing the rejections of claims 1-16. Support for the rake angle limitation may be found at least in the Figures and at page 11, lines 24-26.

The muzzle brakes of the applied Chahin, Buss and McClain references all utilize cylindrical bore vent openings. The applied references, either separately or in combination, fail to disclose a vent opening which may comprise a "slot" having a "planar axis."

Further, the applied references do not disclose or suggest vent slots that are raked in a rearward direction. Chahin does disclose a second plurality of openings 24 which are oriented at an angle, however, the openings 24 are raked in a forward direction to shield the shooter from sound waves. See Figure 2 and column 4, lines 42-51. Thus, Chahin teaches away from the configuration of claim 17.

Therefore, Applicant respectfully submits that independent claim 17 is not

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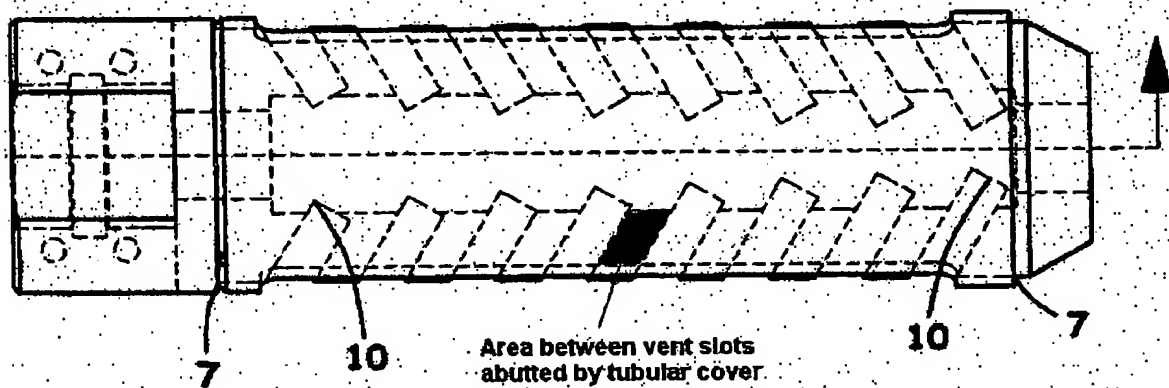
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obvious in view of the applied references. Claims 19 and 20 depend from independent claim 17, and are nonobvious for at least the reasons discussed with respect to claim 17. Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 USC § 103.

Claim Rejections – Claim 21

The Office Action rejected claim 21 citing 35 USC § 102 over Buss.

Claim 21 has been amended and requires that “the wall portion of the tubular cover abuts an area of the body located between vent slots.” Support for the amendment may be found at least in the Figures, for example as shown below in an excerpt from Figure 2.



Buss discloses a muzzle brake having an outer sheath 12 and an inner sheath 14. The inner sheath 14 includes a plurality of apertures 80. When the outer sheath 12 is properly positioned with respect to the inner sheath 14, the area of the inner sheath 14 having apertures 80 is separated from the outer sheath 12 by a distance 120 as illustrated in Figure 3. See column 5, lines 1-7.

Therefore, Buss does not disclose or suggest a muzzle brake wherein a wall portion of a tubular cover abuts an area of the body located between vents, as required by claim 21. Accordingly, Applicant respectfully asserts that claim 21 is not anticipated by Buss, and requests the withdrawal of the rejection under 35 USC § 102.

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Conclusion

Based on at least the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-22 are earnestly solicited.

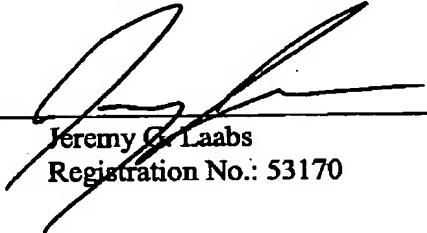
Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: July 15, 2005.

By: _____


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